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station, and at least one machining station for the local energy feeding fixedly arranged inside the forming system.

### REMARKS

The rejection of Claims 2-4 under 35 USC § 112, ¶ 2, is traversed, and reconsideration is requested.

The objection raised in respect to Claim 2 relates not to indefiniteness but to breadth. One of ordinary skill will know what beam machining is, particularly as the specification provides antecedent basis for this term. Nevertheless, applicants have made clear that the term refers to an energy beam.

Likewise, the term "application machining" is equally understandable though broad. Nevertheless, applicants have amended the scope of Claim 4 so as to embrace what they have characterized as "application machining." That is, the scope of Claim 4 has been enlarged by the use of the term "comprises."

The rejection of Claims 1-9 and 13 as being anticipated by Clark et al. under 35 USC § 102(b) is traversed, and reconsideration is requested.

Applicants incorporate herein their previous comments regarding the differences between their invention and that of Clark et al.

Applicants submit that the above amendments to Claims 1, 12 and 13 clearly define the process and system of the present invention over the Clark et al. patent document as well as the other cited references.

With regard to the assertion that intended use of the claimed invention must result in a structural difference between the claimed invention and the

prior art, applicants submit that such a principle -- even if correct -- is not germane to process claims 1-11.

Furthermore, it is not true, as broadly asserted, that if the prior art is capable of performing the intended use, then it meets the claim. A system configured to perform a particular function is not anticipated or made obvious by prior art that does not teach a similarly configured system. The *reductio ad absurdum* of the position taken in the Office Action is that almost any article is "capable" of being used for any intended use.

Applicants believe that they have more carefully delineated the distinctions between their invention and that of the prior art with the above amendments in which it is clear that the forming station is configured to produce three-dimensional contours in sheet metal workpieces.

For the foregoing reasons, the rejection of Claim 1 and 6-24 as being anticipated by Dyble et al. under 35 USC § 102(b) is traversed, and reconsideration is requested.

The Dyble et al. method and apparatus involve the production of plastic canisters, not the production of three-dimensional contours in sheet metal workpieces. The Dyble et al. method and apparatus is not suggestive of at least one forming station so configured. The ultrasonic welder in the Dyble et al. method and apparatus is not a local energy feed in the sense set forth in the claims of the present application, whereby in the production of sheet metal parts used, for example, in the production of automobiles, the idle time between the transportation of the workpieces from one forming station to the next is largely

avoided through the use of the local energy feed, particularly when used on the transporting mechanism.

Applicants again traverse the rejection of Claims 12-24 as being anticipated by Bruns under 35 USC § 102(b) for the reasons previously set forth. Reconsideration is requested in light of the above amendments to Claims 12 and 13 upon which Claims 14-25 are directly or indirectly dependent.

The Bruns patent merely shows a crossbar transfer press. We note that the Office Action does not contend that Bruns teaches or suggests at least one machining station for a local energy feeding being arranged inside the forming system and on a transport device for the sheet metal workpieces as set forth in amendment Claim 12 above.

Again for the foregoing reasons, the rejection of Claims 10 and 11 as being unpatentable over Clark et al. in view of Brandstetter under 35 USC § 103(a) is traversed. Reconsideration is requested on the previous grounds as well as upon the grounds set forth above.

Similarly, the rejection of Claims 2-5 and 25 as being unpatentable over Dyble et al. in view of Morita et al. under 35 USC §103(a) is traversed, and reconsideration is requested on grounds that hypothetical combination of Dyble et al., directed to a plastic canister method, and the Morita et al. patent, directed to laser machining, is based upon impermissible hindsight and the employment of non-analogous prior art. It would only have been obvious to combine these references in the manner suggested in the Office Action based upon the disclosure in the present case.

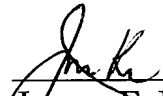
Accordingly, reconsideration and favorable action upon the claims in this case are earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #852/48374).

Respectfully submitted,

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## VERSION WITH MARKINGS TO SHOW CHANGES

### IN THE CLAIMS:

1. (Amended) A process for forming workpieces in a forming system which has at least one forming station, comprising transporting the workpieces from or to the at least one forming station, and, [outside a time period provided for the forming] during transport of a particular workpiece [in] within the forming system, carrying out a machining of the particular workpiece with a local energy feed to the particular workpiece.

2. (Amended) The process according to claim 1, wherein the machining of the workpiece comprises [a] an energy beam machining.

4. (Amended) The process according to claim 2, wherein the energy beam machining of the workpiece [is a] comprises welding machining, [a] cutting machining, [a] and removal machining [or an application machining].

10. (Amended) The process according to claim [7] 1, wherein during the machining in the area of the forming station, the workpiece is situated on an intermediate depositing device.

12. (Twice amended) A forming system for carrying out a process [for] of forming sheet metal workpieces [in a forming system which has] , comprising at least one forming station configured to produce three-dimensional contours in the sheet metal workpieces, [comprising] means for transporting the workpieces

from and to the at least one forming station, [with] and at least one machining station for the local energy feeding arranged inside the forming system [, wherein at least one machining device with a local energy feed is arranged] and on a transport device for the sheet metal workpieces.

13. (Twice amended) A forming system for carrying out a process [for] of forming sheet metal workpieces [in a forming system which has] , comprising at least one forming station configured to produce three-dimensional contours in the sheet metal workpieces, [comprising] means for transporting the workpieces from or to the at least one forming station, [with] and at least one machining station for the local energy feeding fixedly arranged inside the forming system [, wherein at least one machining device with a local energy feed is fixedly arranged in the forming system].